

§ 922.321

7 CFR Ch. IX (1–14 Edition)

the apricots is not less than 28 pounds; or

(2) In closed containers containing not less than 14 pounds, net weight, of apricots: *Provided*, That when the apricots are packed in such containers they are row-faced or tray-packed; or

(3) In closed containers that are marked “12 pounds net weight” and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced; or

(4) In closed containers containing not less than 24 pounds, net weight, of apricots when packed loose in such containers; or

(5) If exported to Canada, in any of the containers specified in this paragraph (a) or in containers having inside dimensions of $16\frac{1}{8} \times 11\frac{1}{2}$ inches with $4\frac{3}{4}$ -inch end pieces and $3\frac{3}{4}$ -inch side pieces.

(b) Notwithstanding any other provisions of this section, any individual shipment of apricots which, in the aggregate, does not exceed 500 pounds, net weight, may be handled without regard to the requirements specified in this section or in § 922.41 or § 922.55.

(c) All apricots handled are also subject to all applicable grade, size, quality, maturity and pack regulations which are in effect pursuant to this part.

(d) The terms *handler*, *handle* and *apricots* shall have the same meaning as when used in the amended marketing agreement and order.

[59 FR 30673, June 15, 1994, as amended at 63 FR 32718, June 16, 1998]

EFFECTIVE DATE NOTE: At 72 FR 16265, Apr. 4, 2007, § 922.306 was suspended indefinitely, effective Apr. 1, 2007.

Subpart—Grade and Size Regulation

§ 922.321 Apricot Regulation 21.

(a) On and after August 1, 1981, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with paragraph (a)(3) of this section:

(1) *Minimum grade and maturity requirements.* Such apricots that grade not less than Washington No. 1 and are at least reasonably uniform in color:

Provided, That such apricots of the Moorpark variety in open containers shall be generally well matured.

(2) *Minimum size requirements.* Such apricots measure not less than $1\frac{5}{8}$ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties may measure not less than $1\frac{1}{4}$ inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words “not for resale” in letters at least one-half inch in height.

(b) The terms *diameter* and *Washington No. 1* shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; *reasonably uniform in color* means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and *generally well matured* means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in Western States.

[46 FR 38668, July 29, 1981, as amended at 54 FR 26186, June 22, 1989; 60 FR 32430, June 22, 1995; 61 FR 30497, June 17, 1996; 75 FR 72935, Nov. 29, 2010]

EFFECTIVE DATE NOTE: At 78 FR 62966, Oct. 23, 2013, § 922.321 was suspended, effective Oct. 24, 2013.

Agricultural Marketing Service, USDA

§ 923.2

EDITORIAL NOTE: After January 1, 1979, “Budget of Expenses and Rate of Assessment” regulations (e.g. sections .200 through .299) and “Handling” regulations (e.g. sections .322 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUN- TRIES IN WASHINGTON

Subpart—Order Regulating Handling

DEFINITIONS

- Sec.
- 923.1 Secretary.
- 923.2 Act.
- 923.3 Person.
- 923.4 Production area.
- 923.5 Cherries.
- 923.6 Varieties.
- 923.7 Fiscal period.
- 923.8 Committee.
- 923.9 Grade.
- 923.10 Size.
- 923.11 Grower.
- 923.12 Handler.
- 923.13 Handle.
- 923.14 District.
- 923.15 Export.
- 923.16 Pack.
- 923.17 Container.

ADMINISTRATIVE BODY

- 923.20 Establishment and membership.
- 923.21 Term of office.
- 923.22 Nomination.
- 923.23 Selection.
- 923.24 Failure to nominate.
- 923.25 Acceptance.
- 923.26 Vacancies.
- 923.27 Alternate members.
- 923.30 Powers.
- 923.31 Duties.
- 923.32 Procedure.
- 923.33 Expenses and compensation.
- 923.34 Annual report.

EXPENSES AND ASSESSMENTS

- 923.40 Expenses.
- 923.41 Assessments.
- 923.42 Accounting.
- 923.43 Contributions.

RESEARCH

- 923.45 Marketing research and development.

REGULATIONS

- 923.50 Marketing policy.

- 923.51 Recommendations for regulation.
- 923.52 Issuance of regulations.
- 923.53 Modification, suspension, or termination of regulations.
- 923.54 Special purpose shipments.
- 923.55 Inspection and certification.

REPORTS

- 923.60 Reports.

MISCELLANEOUS PROVISIONS

- 923.61 Compliance.
- 923.62 Right of the Secretary.
- 923.63 Effective time.
- 923.64 Termination.
- 923.65 Proceedings after termination.
- 923.66 Effect of termination or amendment.
- 923.67 Duration of immunities.
- 923.68 Agents.
- 923.69 Derogation.
- 923.70 Personal liability.
- 923.71 Separability.
- 923.142 Reserve fund.

ASSESSMENT RATE

- 923.236 Assessment rate.

GRADE, SIZE, CONTAINER AND PACK REGULATION

- 923.322 Washington cherry handling regulation.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 22 FR 3835, June 1, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§ 923.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 923.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*; 68 Stat. 906, 1047).